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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II  
26 FEDERAL PLAZA  
NEW YORK, NEW YORK 10278

AUG 24 1982

CERTIFIED MAIL-  
RETURN RECEIPT REQUESTED

Mr. Kenneth Pierce  
Pierce Oil Company  
P.O. Box 96  
Moira, New York 12957

Re: York Oil Company  
Moira, New York

Dear Mr. Pierce:

Section 104(a)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), 42 U.S.C. §6904(a)(1), authorizes the President or his designated representative to undertake removal or remedial activities to protect the public health or welfare or the environment whenever any hazardous substance is released or there is a substantial threat of such a release into the environment, unless the President or his designated representative determines that such actions will be done properly by an owner, operator, or other responsible party.

Where the U.S. Environmental Protection Agency ("EPA"), as designee of the President, undertakes such removal or remedial activities, the owner, operator, or other responsible party may be held liable, under CERCLA and other laws, for all costs incurred by the United States Government in undertaking such response activities, in addition to other costs.

EPA has determined that an actual release or a substantial threat of a release of hazardous substances as defined in Section 101 of CERCLA has occurred at the site of York Oil Company in Moira, New York. EPA has also determined that you may be a responsible party with respect to the releases and threatened releases. Based upon these determinations, EPA hereby requests that you undertake the necessary and appropriate response activities at the site of York Oil Company in Moira, New York. At this time EPA is requesting that you or your company determine remedial alternatives for the York Oil Company site. The purpose of this determination is to select an appropriate response action for the site.

Please notify EPA, in writing, no later than fourteen calendar days from the receipt of this letter, of your willingness to discuss undertaking the necessary remedial activities at the site.

If your response indicates that discussions should be scheduled with EPA and that such discussions are likely to produce meaningful progress toward the control of releases or threatened releases at the site, we will contact you

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to schedule a meeting. At the meeting, we expect to discuss the steps necessary to investigate and control the conditions at the site, the potential liability for costs incurred by the government, and setting a schedule for undertaking such response actions. Your letter should be sent to:

Mr. Walter Mugdan, Acting Chief  
General Enforcement Branch  
Environmental Protection Agency  
26 Federal Plaza, Room 437  
New York, New York 10278

For your information, the measures specified in this letter are also being requested of additional parties which EPA considers to be potentially liable for the release or threatened release of hazardous substances at the site.

If you need further information, Mr. Mugdan can be reached by telephone at (212) 264-9858. If your written response is not received in Mr. Mugdan's office within two weeks, we will assume that you have declined to undertake voluntary response activities.

Sincerely yours,



Conrad Simon  
Director  
Air and Waste Management Division

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY

REGION II  
26 FEDERAL PLAZA  
NEW YORK, NEW YORK 10007

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*Walter M. Hughes*  
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~~*DWM*~~ ~~*HWSB*~~

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NEW YORK, N.Y.

